

1 Phillip A. Silvestri, Esq.
2 Nevada Bar No. 11276
3 Greenspoon Marder LLP
4 3993 Howard Hughes Pkwy., Ste. 400
5 Las Vegas, Nevada 89169
6 Tel: (702) 978-4249
7 Fax: (954) 333-4256
8 vincent.aiello@gmlaw.com
9 phillip.silvestri@gmlaw.com
10 *Attorneys for Petitioners*

11
12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA
14
15

16 KEN KACHUR,

17 Plaintiff,

18 vs.

19 NAV-LVH, LLC dba WESTGATE LAS
20 VEGAS RESORT & CASINO, a Nevada,
21 Limited Liability Company,

22 Defendant.

23 Case No.: 2:16-cv-02899

24 STIPULATION TO REOPEN
25 DISCOVERY AND RESET PERTINENT
DEADLINES

(FIFTH REQUEST)

26 Pursuant to Local Civil Rule 6-1(a), Defendant NAV-LVH LLC dba Westgate
27 Las Vegas Resort & Casino (“Defendant”) and Plaintiff Ken Kachur (“Plaintiff”), by and
28 through their respective counsel of record, hereby request that this Court to reopen discovery,
and reset pertinent deadlines, and stipulate as follows:

29 This request is made after the discovery period has closed, but is based on good cause.
30 Further, neglect is not present, as this stipulated request is based on newly-discovered
31 information, and therefore satisfies the burden of LR 26-4. This is the fifth request for an
32 extension.

33 This stipulation is made and based upon the following factors:

34 To date, the parties have both made their initial disclosures to the other side. Defendant
35 has propounded written discovery to Plaintiff, to which Plaintiff has responded. Plaintiff has
36 also propounded written discovery to Defendant, which has been responded to. All depositions

1 mentioned in previous requests have been completed (with the limited exception of concluding
2 the deposition of Westgate's security director, which has begun, but the parties have been unable
3 to finalize due to conflicting schedules).

4 This request is based on newly-discovered information regarding Plaintiff's treating
5 physicians. Defendants, and Plaintiffs' counsel, have just been informed that Plaintiff has been
6 seeking ongoing treatment from a pain specialist, and this physician was not previously
7 disclosed. Plaintiff's failure to disclose appears to be entirely inadvertent, however the parties
8 agree that Westgate should be permitted to examine the records of this physician, and conduct
9 any relevant discovery related thereto. The parties also have had difficulty retrieving records
10 from Plaintiff's short-term disability provider, but as of 8/2/18, the provider has agreed to
11 produce relevant records.

12 The parties and their attorneys have diligently worked to complete discovery as
13 expediently as possible and will continue to try to complete the newly-discovered necessary
14 discovery in as expedient a manner as possible.

15 Given the above circumstances, the parties request that the discovery period be extended
16 as follows:

	ACTIVITY	FORMER DATE	REQUESTED DATE
18	Discovery Cut-Off Date	07/19/18	10/19/18
19	Dispositive Motions	08/16/18	11/16/18
20	Pretrial Order	09/20/18	12/21/18 ¹

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¹ Or 30 days after the decision on the last dispositive motion.

1 In accordance with LR 26-4 the parties understand that any further requests for discovery
2 extensions must be made no later than twenty-one (21) days before the newly-proposed
3 discovery cut-off date of October 19, 2018 or no later than twenty-one (21) days before any other
4 deadline sought to be extended.

5 DATED this 7th day of August, 2018.

6 Law Offices of Michael P. Balaban

7 */s/ Michael P. Balaban*

8 Michael P. Balaban, Esq.
9 Nevada Bar No. 9370
10 Law Offices of Michael P. Balaban
11 10726 Del Rudini Street
12 Las Vegas, NV 89141
13 Tel: (702)586-2964
14 Fax: (702)586-3023

15 Attorneys for Plaintiffs

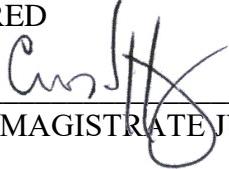
6 Greenspoon Marder LLP

7 */s/ Phillip A. Silvestri*

8 Phillip A. Silvestri, Esq.
9 Nevada Bar No. 11276
10 GREENSPOON MARDER LLP
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12 Las Vegas, Nevada 89169
13 Tel: (702) 978-4249
14 Fax: (954) 333-4256
15 phillip.silvestri@gmlaw.com

16 Attorneys for Defendant

17 IT IS SO ORDERED

18 
19 UNITED STATES MAGISTRATE JUDGE

20 DATED: August 8, 2018